

Hungary

Last update: April 2013

PART 1 – NATIONAL FRAMEWORK

Overview

National social dialogue	Principal Level of Collective Bargaining	Enterprise; the lack of real social dialogue at national level does have an impact on enterprise level; in most cases the sectoral level bargaining is missing	
	Workplace Representation	Union and works council	
	Board-level Representation	Yes for state-owned and private enterprises	
National worker representation	Workplace representation in Hungary is provided by both local trade unions and elected works councils with the balance between the two varying over time. Currently unions have negotiating and some consultation rights depending on representativity. Works councils have information and consultation rights but in practice often find it difficult to influence enterprise decisions.		
Principal legal documents on H&S	The Hungarian Act XCIII of 1993 on Labour Safety; the Labour Code (2012).		
Public authorities on H&S	The Ministry of National Economy. For labour issues, the secretary of state for Social and Employment is competent. The National Labour Office, Directorate for Occupational Safety and Health and Labour Affairs – follow the professional management, while the County Government Offices follow the county level OSH and inspectorate function. The Directorate monitors compliance with occupational safety and health and employment legislation.		
Employers' obligations on H&S	Employers need to initiate consultation with employees and/or their representatives in advance and in good time on all questions relating to the employer's actions concerning safety and health at work. The Act on Labour Safety stipulates that enterprises employing at least 50 shall select labour protection representatives and that the election shall be organised by the employer. According to union estimates, the application and enforcement of this regulation is not properly done by the corresponding authority (in 30% of the enterprises falling under this regulation, there are no safety reps elected). There is no register of the elected safety reps.		
Worker representative bodies on H&S	Health and safety legislation empowers both trade unions and non-unionised workers to appoint representatives. There is no difference between public and private enterprises in relation to employee health and safety representation. In an undertaking with at least 50 workers, a health and safety committee may be created. The minimum number of reps is 11, and they are elected. Although the law stipulates that OSH representatives are to be elected in enterprises with 50+ employees; an OSH committee can be elected if there are minimum 3 elected OSH representatives. The election of the OSH committee is a possibility and not an obligation. However upon the initiative of the trade union, of the works council or of the majority of the employees, the employer is obliged to have an OSH committee (experiences show that this possibility is nevertheless very rarely used).		
Organisation of the social dialogue on H&S issues within the country	Actors involved	Their role	Scope of influence
	National OSH Committee, with the following members: government delegates, delegates of employers' organisations and trade union confederations. The Committee functions on the basis of its rules of procedures (adopted 2012/ December).	information / negotiaton / decision on certain issues (1993/93 Law 78 para /g – on OSH Committee)	national
	OSH Committee	Among others, to manage the relations/ contacts among works council, trade union and the employer	enterprise / workplace

	Paritative OSH Body. This body contains at least the following members: 2 employers' representatives (cfr. Labour Code 207 para: head manager/or deputy and the employers' OSH responsible) and 2 elected workers' safety representatives.	According to the law, the legal competencies of the paritative body do not interfere in the legal competencies of the OSH committee.	Enterprise (in enterprises with 50+ employees)	
Specialized H&S bodies on regional, sectorial or another level	<i>Name</i>	<i>Setup conditions</i>	<i>Composition</i>	<i>Role and functions</i>
	There is no official body beyond the National OSH Committee. National trade union confederations have their OSH Committees.	N/R	N/R	organises training courses, forums for the members of the foundation, issues booklets to support them in their work at the workplaces
	Foundation for the Worker's Representatives (Munkavédelmi Képviselőkért Alapítvány)	N/R	N/R	a private foundation, established by four committed individual persons – nonprofit structure
	MUFOSZ– National Association of OSH responsables	N/R	N/R	private platform for the employers' OSH responsables

PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	At workplaces where at least 3 OSH representatives have been elected, the law provides for the possibility to establish an OSH committee. Its members are elected OSH representatives. Their role on H&S issues: tasks provided by the Law on OSH; inspect OSH situation at workplace; participate in investigation of accidents; participate in giving opinion on OSH regulations published by employer; right of agreement in issues of legal protection of OSH representatives; right of consent of publishing enterprise book of OSH regulation (this latter contain all OSH regulations at the enterprise level).
Interaction of H&S representation with the general representation of workers	There is no legal regulation on OSH representative and trade union, or/ and works council cooperation. This cooperation depends on the willingness of the parties. The law on OSH refers to the election and the legal protection of OSH representatives; while the Labour Code defines the protection of union representatives. According to these texts, both categories (union reps and safety reps) are covered (with slight differences). The National OSH Committee issued in 2004 a statement calling for OSH representatives and trade union/ works council representatives to regularly exchange information and cooperate, with the aim to conclude cooperation agreements. (By consequence, in a number of enterprises the chair of the works council/ trade union secretary is the OSH representative).
Worker representation bodies on H&S at work	
Implementation of worker representation in H&S on enterprise level	All workers. Any worker can be elected as OSH representative (provided he/she complies).
Thresholds of implementation	OSH representatives must be elected at workplaces with more than 50 employees. However, this only applies to enterprises which fall under the Labour Code regulations. Workplaces which fall under the law on public employees and civil servants may elect only (no obligation). Under 50 employees (SMEs), election is compulsory only if trade union, works council, or a majority of workers wish to do so. In such case the employer can not say no.

	However, if a workers' representative has not been not elected in SMEs, consultation shall be held with the employees.	
Role of the trade unions	Following the adoption of the new Labour Code (2012), the trade unions lost the possibility to inspect the functioning of the OSH regulations. The only competent body to do so are the OSH representatives / OSH committees. In case the trade union (at enterprise level) can conclude an agreement with the employer on this matter, trade unions may also act here!	
Composition, mode of nomination or election of members	The Labour Law provides for the rules of election of OSH representatives. Accordingly the rules of the works council elections must be applied –with certain alteration. OSH representatives are elected for 5 years. The OSH committee is composed of an equal number of delegates representing the employer and the employees. The OSH committee is solely composed of elected safety representatives.	
Area of competencies	Inspection of work accidents, occupational diseases, working conditions, risk prevention, giving opinion and adoption of enterprise intern OSH regulations, control of personal protective equipments, participation in paritative OSH body.	
Functions	Control, consult, negotiate, may order employer to report, may initiate measures to employer. According to the law, employees or their representatives shall be consulted with regard to the following obligations of the employer: –the designation, employment and activities of workers for carrying out the duties related to occupational safety; –the provision of information concerning safety at work; –the planning and organisation of training on with occupational safety.	
Rights of workers' representatives on H&S		
Right of withdrawal, of production stop in case of immediate danger	No	
	N/R	
Right to conduct surveys	Yes	
	N/R	
Right to require external assessments	Yes	
	The occupational safety and health representative may, on the basis of previous agreement with the employer, request expert advice on questions connected with healthy and safe working conditions, and furthermore have discussions with inspectorates concerning such matters. There exists no data on H&S Committee calling in outside independent experts.	
Right to lodge an appeal	Yes	
	The occupational safety and health representative (OSH committee) may propose to the employer that a workplace occupational safety and health programme be prepared. If the employer defined by ordinance of the Minister of Labour does not agree, the OSH committee may initiate a collective labour dispute as regulated under the labour code	
Right to receive training	Yes	
	The training shall be held in regular work hours, and it may be held in an external location.	
	Amount of training	Within one year after being elected, a training course of at least 16 hours during an election cycle. Afterwards, there's the opportunity of annually taking 8 hours of training subsequently.
	Frequency of training	Within one year after being elected. Afterwards, annually (during mandate of 5 years)
Allocated time during working hours to conduct their role	Yes	
	Minimum 10% of working time – excluding time off for accident investigation and training	
Protection against sanctions, dismissals in the frame of their mandate	Yes	
	During the period of the safety reps' mandate + 6 months	
Link and the nature of the relations between the employee	no provision by law; it is an imminent interest of the trade unions to maintain good relations with OSH representatives. This link is of increasing importance since the new Labour Code (2012) has deprived trade unions of their competency on OSH issues	

representatives and the trade unions

(hence, trade unions should aim at promoting union reps to run for OSH representative places).

PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

Evolution

Significant changes within the various instruments on H&S issues during the last 5 years	<p>Yes</p> <p>The amendment of the OSH Law (2011) ; change of Labour Code (2012)</p> <p>Labour Code amendment in 2010: increased the safety reps' mandate term from 4 years to five years</p>	
	Objectives of these changes	Retrenchment of compulsory system of risk assessment; Mitigation of system and practice of inspections and fines of micro-enterprises and SMEs (there has been a drastical cut back of inspections); Elimination of the system of use of fines for OSH related projects; Absence of parliamentary adoption of the national OSH strategy (initially drafted for 2008–2012)
	Management of these changes	legal; unilateral decisions by the government
	Effects on the improvement or deterioration of the handling of these issues	A worsening of OSH situation, although the statistical figures show improvement. Hence, the social partners are of the opinion that the statistics are not reflecting reality on OSH matters. (this is also acknowledged by the reports published by the Governmental agencies). The same applies to the reporting of occupational diseases and exposure cases.
Assessment of the achievements on H&S issues through social dialogue	Deteriorating	
	Some important milestones	Government favours micro/ SME sector (e.g. inspection without fining); The non adoption of the National OSH Policy, although social partners agreed on it; No political will to introduce the independent workplace accident insurance system, which would have triggered employers' interest to improve working conditions (on basis of economic reasons).

Perspectives to achieve a good social dialogue and workers' participation on H&S issues

Missing factors	Legislation and training (unified system). The National Confederation of Hungarian Trade Unions (Magyar Szakszervezetek Országos Szövetsége, MSZOSZ) calls to lower the threshold for the compulsory election of safety representatives in workplaces with more than twenty employees, given the large share of SMEs in the economy.
Existing key success factors	N/A

PART 4 – APPENDICES

Glossary

Occupational Safety and Health Commission (Munkavédelmi Bizottság)	National body functioning connected with healthy and safe working conditions, and consisting of representatives of organizations of employees and employers and of the government
---	---

Interesting links

<p>–Hungarian Labour Inspectorate (http://www.ommf.gov.hu)</p> <p>–Foundation for the Worker's Representatives (Munkavédelmi Képviselőkért Alapítvány): http://www.mvkepviselo.hu/</p>
--

Sources

Trade union contacts	National Confederation of Hungarian Trade Unions – MSZOSZ	GYÖRGY Károly
Other	<p>– http://www.worker-participation.eu</p> <p>–questionnaire reply</p> <p>–http://www.eurofound.europa.eu</p>	